



**DOMESTIC VIOLENCE COORDINATING COUNCIL**  
**Criminal Justice Committee Minutes**  
**February 26, 2019 at 1pm**  
Middletown Police Department

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The DVCC Criminal Justice Committee met on February 26, 2019 at 1pm at the Middletown Police Department. Attending the meeting was Natasha Smith (DVCC staff), Earl McCloskey (DELJIS), Mary Skaats (Probation and Parole), Ava Carcieri (Family Court), Juan Rodriguez (Peoples Place), Brendan O'Neill (ODS), Melanie Lahutsky (Superior Court), Mariann Kenville-Moore (DCADV). Those present via phone were Michael DegliObbizzi (DOJ), Joe Miller (WPD), Maureen Monagle (DVCC Staff), Linda Carmichael (Superior Court), Sheila Blakely (JP Court), Kathy Hudson (Nanticoke), Ann Altemus (Child Inc.), Angela Allbee (Probation and Parole).

**Call to order:** Brendan O'Neill called the meeting to order.

**Introductions:** Introductions were made by attendees.

**Approve Minutes from November 28, 2018:** Minutes were approved as written.

**Old Business**

**Law Enforcement Training**

Natasha Smith (DVCC) stated that there were 166 people in attendance for the November 2018 Annual Domestic Violence and Sexual Assault Law Enforcement Training. Overall the conference was well received and the Law Enforcement Training workgroup is looking to have the conference take place the first Monday in November 2019 if at all possible. If anyone has any themes, topics or specific speakers for the conference please email [Natasha.Smith@Delaware.gov](mailto:Natasha.Smith@Delaware.gov). Some of the topics that were provided in the conference feedback were: LGBTQ Relationships and DV, Why Victims Stay, Determining Primary Aggressor, Strangulation and Stalking.

**High Risk Domestic Violence Team**

Maureen Monagle (DVCC) stated that the DVCC has found a candidate that is going through the onboarding and background check process. That candidate will have an office at Capitol Police in Kent County. The hope is the candidate will start around March 11<sup>th</sup> if all goes well. The first few months of the project will consist of creating policies and procedures, confidentiality and release of information forms. A High Risk DV Coordinator Mailbox has been created and all the

high risk lethality assessment cases that are screened in that Gary Melvin receives are also sent to the DV High Risk Team email box.

### **Body Worn Cameras**

Earl McCloskey (DELJIS) stated that the Delaware Police Chiefs' Council are closer to revising the body worn camera policy. Earl shared that storage is a huge issue with body worn camera footage. Earl informed the group that Jeff Horvath (Delaware Police Chiefs' Council) is looking to have a global policy developed for all Delaware police agencies for body worn cameras.

Brendan O'Neill (ODS) stated that alleged domestic violence victims may request that the body worn camera be turned off by the officer but that has not been adopted from the police chiefs' council. Earl McCloskey (DELJIS) stated that it is possible to create a mandatory field that includes a drop down box for body worn cameras if a victim requests that a camera be turned off for privacy reasons.

### **HB204 Follow Up**

Interim Rule 55, went into effect on 1/1/19. There are still a number of unanswered questions particularly around the use of the lethality assessment in a bail determination. Mariann Kenville-Moore (DCADV) provided a copy of a memo that was submitted to the Co-Chair of the DVCC Criminal Justice Committee, Brendan O'Neill (ODS) (see attached memo). Mariann stated that the lethality assessment was designed to connect victims to services and is not related to the danger assessment of the offender. The Lethality assessment was only designed and validated for females in a heterosexual domestic violence relationship. This tool has been used as a preventative tool for domestic violence homicides and may be over inclusive if used for the purposing of setting bail for alleged offenders and can possibly trigger cash bail.

There were concerns about Superior Court Interim Rule 55 because the rule states that a validated tool be used for setting bail for domestic violence cases. Mariann asks that the DVCC weigh in on the memo that was distributed to those in attendance at the meeting.

Judge Blakely (JP Court) stated the Justice of the Peace has been implementing Interim Rule 55 since 1/1/19. Judge Blakely also shared that the JP Court has used the lethality assessment for setting cash bail. Brendan (ODS) states that he will give Chief Magistrate, Alan Davis a call about Superior Court Interim Rule 55 in regards to cash bail being triggered.

Maureen Monagle (DVCC) reached out to Jackie Campbell (in addition to letting the AOC know) that Delaware is looking to have a validated tool that can be used for bail review in domestic violence cases.

Earl McCloskey shared that police officers can request a commitment or secure bail even if law enforcement doesn't screen someone in using the lethality assessment. Judge Blakely states

that offenses could result in high cash bail when using the lethality assessment. Brendan (ODS) will give

Alan Davis (JP Court) a call about using the lethality assessment when it comes to setting bail for domestic violence cases. DCADV will reach out to the Courts in writing letting them know that the lethality assessment is not a validated tool for setting bail in domestic violence cases.

## **No New Business**

### **Announcements**

DVCC Quarterly Meeting will take place on Monday, March 11<sup>th</sup> at 1pm at Buena Vista, New Castle, DE

*Update: HB302/HB222 have seen petitions start to trickle in and it may be best to take a look at this issue in about 6 months to get a better understanding of the issue. \*\*Will be added to the August meeting agenda.*